

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Anne Earley, et al.	:	
	:	Art Unit: 2166
Serial No.: 10/072,391	:	
	:	Examiner: Woo, Isaac M.
Filed: February 5, 2002	:	
	:	
For: DIGITAL COCKPIT	:	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECIEVE NOTICE OF ALLOWANCE**

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby petition to withdraw the holding of abandonment in the above-referenced Utility Patent Application for failure to receive a Notice of Allowance.

Applicants appreciate the courtesies shown to Applicants' representative Kevin Jones by Petitions Attorney Steven Bradley in the interviews held December 23, 2009 and January 22, 2010. Applicants also appreciate the courtesies shown to Applicants' representative Robert Reeser by Petitions Attorney Steven Bradley in the interview held January 21, 2010.

A copy of the master docket record for January 14, 2009 is attached. The master docket record illustrates that a Notice of Allowance dated October 14, 2008, was not received nor entered in the docket. A docket entry for Application No. 10/072,391 with an issue fee due date of January 14, 2009 would have been entered had the Notice of Allowance been received. Rather, as illustrated in the master docket record of January 14, 2009, no such entry exists.

Thus, our office did not receive the Notice of Allowance mailed by the U.S. Patent and Trademark Office ("PTO") to Applicants on October 14, 2008. Applicants' first notification that the PTO had mailed the Notice of Allowance was the receipt of the Notice of Abandonment, dated February 10, 2009, for failing to timely pay the issue fee. The following authorization and statements are provided in support of this Petition, Applicants state:

1. A search of the file jacket and the docket records in the attorney's office indicates that this Notice of Allowance was not received. Attached, is an affidavit by the undersigned, Robert B. Reeser, III, attorney with Armstrong Teasdale LLP, attesting that upon examination of the application's file jacket and docket records, Applicants' file indicates the last correspondence received from the PTO is the Advisory Action dated August 27, 2008, which was received and docketed by Applicants on September 2, 2008, and does not include the Notice of Allowance, dated October 14, 2008.
2. Enclosed is a copy of a printout of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed. Applicants' understanding is that the PTO's records show that the Notice of Allowance was mailed on October 14, 2008. With a mailing date of October 14, 2008, the issue fee would have been due January 14, 2009. The enclosed docket records do not show such an action due in the present application, which has an internal reference number of 12729-188.
3. Additionally, in anticipation that the Applicants' Petition will be granted, Applicants submit herewith:

a) authorization to charge the issue fee and publication fee is set forth below in Paragraph (5); and

b) authorization to charge the petition fee (37 C.F.R. 1.17(l)) is set forth below in Paragraph (5).

4. Fees:

a.	Petition Fee (37 C.F.R. 1.17(l))	\$	540.00
	TOTAL FEES DUE:	\$	540.00

b. Applicants respectfully submit that the payment of the required issue fee in the amount of \$1,510 and the payment of the required publication fee in the amount of \$300 were deducted from Deposit Account No. 01-2384 on May 15, 2009. The Commissioner is hereby authorized to charge payment of the Petition Fee due in the amount of \$540.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384.

Applicants respectfully submit that Applicants' file jacket and the copy of the master docket record for January 14, 2009 are evidence in support of the Applicants' declaration that the Notice of Allowance was never received. Therefore, Applicants respectfully request that the holding of abandonment for failure to pay the issue fee be withdrawn.

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For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser, III', written over a horizontal line.

Robert B. Reeser, III  
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